

CONSIDERED: /AG/

**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Docket No: Q77281

Tadashi YONEDA

Appln. No.: 10/568,944 Group Art Unit: 1654

Confirmation No.: 8590 Examiner: Anish Gupta

Filed: February 22, 2006

For: COSMETICS

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Tadashi YONEDA, hereby declare and state:

THAT I am the sole inventor of the invention disclosed and claimed in the above-identified application;

THAT I am a citizen of Japan;

THAT I have received the degree of Master of Engineering in the Division of Fermentation Technology from Osaka University Graduate School of Engineering;

THAT I have been employed by SHOWA DENKO K.K. since April 1991, where I hold a position as a researcher, with responsibility for research of enzymes (April 1991 to December 1997), research of functional chemicals (January 1998 to May 1998), research of surfactin and iturin (June 1998 to December 2006) and research of environmental biotechnology (January 2007 to present); and

THAT I am familiar with the Office Action dated April 29, 2009, and the rejections contained therein.

In order to demonstrate the unexpected superiority of the present invention, the following experimentation was conducted by me or under my direct supervision.

Experiment

The following experiment was conducted in the same manner as in Example 1 of the present invention. The Comparative Example, however, used the polyoxyethylene sorbitan fatty acid ester described in JP 2000-327591 (Yoneda '591) in place of polyoxyethylene glyceryl ether fatty acid ester. In particular, the following comparative data includes cosmetics comprising polyoxyethylene (20) sorbitan monostearate. The comparison between the following Comparative Example and Example 1 of the present specification is designed to evaluate preservation stability and washability.

Comparative Example

Ingredients	Ingredient amount (mass%)
sodium surfactin	1.0
glycerin	24.5
polyoxyethylene (20) sorbitan monostearate	4.7
glyceryl tri(2-ethylhexanoate)	65.4
Water	4.4
Total	100.0

Evaluation Method and Results

Preservation stability and washability were evaluated according to the description at page 27, lines 14 to 27 of the present specification.

The following table shows the results of a comparison between the Comparative Example and Example 1 of the present invention.

	Comparative Example (i.e., including the polyoxyethylene sorbitan fatty acid ester described in Yoneda '591)	Example 1 of the present invention
Preservation stability	X	O
Washability	O	O

In the above table, an "X" for preservation stability denotes some change observed, whereas an "O" denotes no change found. For washability, an "O" denotes little sensation of residual oil.

Conclusion

The Comparative Example using the polyoxyethylene sorbitan fatty acid ester described in Yoneda '591 separated into two layers immediately after preparation of the cosmetics, and exhibited markedly poor preservation stability. The Comparative Example showed virtually no change in washability as compared to the cleansing cosmetic of Example 1 of the present invention.

Thus, I conclude that the present invention provides unexpectedly superior results.

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I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 29, 2009

By: Tadashi Yoneda
Tadashi YONEDA